

E-filing

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

FILED
 07 SEP 10 PM 46
 RICHARD J. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

1 Name ABEYTA JOSEPH A
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4 (Last) (First) (Initial)
 5 Prisoner Number CHY 429 / 03026633

6 Institutional Address 885 N. SAN PEDRO ST

7 SAN JOSE CA 95110 SANTA CLARA Co. JAIL

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 JOSEPH ANTHONY ABEYTA
 12 (Enter the full name of plaintiff in this action.)

C } 07

4660 (PR)

13 Case No.

(To be provided by the clerk of court)

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SANTA CLARA COUNTY DEPT.
 OF CORRECTIONS / SHERIFF DEPT #2406
 1) ANTHONY DURANTE CORRECTIONS OFFICER
 2) SGT. CSABANYI #1594 SUPERVISING OFFICER
 ALL IN INDIVIDUAL AND OFFICIAL CAPACITY

COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 42 U.S.C §§ 1983

[All questions on this complaint form must be answered in order for your action to proceed.]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement SANTA CLARA Co. MAIN JAIL

B. Is there a grievance procedure in this institution?

YES () NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES () NO ()

D. If your answer is YES, list the appeal number and the date and result of the appeal at

THEY DO NOT HAVE APPEAL NUMBERS, BUT THEY KEEP
 THEM ON THEIR FILES.

COMPLAINT

each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal _____
2. First formal level _____
3. Second formal level _____
4. Third formal level _____

E. Is the last level to which you appealed the highest level of appeal available to you?

YES () NO ()

F. If you did not present your claim for review through the grievance procedure, explain
why. _____

II. Parties

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

JOSEPH ANTHONY ABEYTA

885 N. SAN PEDRO ST

SAN JOSE CA 95110

B. Write the full name of each defendant, his or her official position, and his or her place of
employment.

① ANTHONY DURANTE CORRECTIONAL OFFICER # 2A06 S.C.C. DEPT OF CORRECT.

② SEARGANT CSABANYI # 1594 SHERIFF 'SUPERVISOR FOR S.C.C. D.O.C.

1 OTHER OFFICERS FOLLOWED PROCEDURES THESE OFFICERS DID
2 THEIR JOB ACCORDINGLY. (3) FETSCH #2608, (4) DURAN #2520
3 (5) SOUZA # 2511, (6) AVILA #2504, (7) BARRON GABRIEL

4 III. Statement of Claim

5 State here as briefly as possible the facts of your case. Be sure to describe how each
6 defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any
7 cases or statutes. If you have more than one claim, each claim should be set forth in a separate
8 numbered paragraph.

9 BASICALLY I WAS ASSAULTED BY CORRECTIONS OFFICER DURANTE #2406 BY
10 BEING KICKED IN THE FACE AND HEAD WITH HIS WORK ISSUED BOOTS,
11 SPRAYED IN THE EYE'S WITH PEPPER SPRAY, AND HIT (NINE PLUS TIMES)
12 IN MY HEAD AND FACE ARE WHILE BLINDED AND RESTRAINED, SUFFERED
13 LUMPS, BRUISES CUT'S TO EYE WELT'S (BY HIS DEPARTMENT ISSUED FLASH
14 LIGHT,) SEE VIDEO. SGT. CSABANYI #1594 THE SUPERVISING OFFICER
15 FOR ALLOWING THIS CRIME TO TAKE PLACE UNDER HER SUPERVISION
16 BREAKING FACILITY POLICIES, PROCEDURES.

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22 IV. Relief

23 Your complaint cannot go forward unless you request specific relief. State briefly exactly what
24 you want the court to do for you. Make no legal arguments; cite no cases or statutes.

25 "SUSPENSION/ WITH NO PAY." "MONETARY COMPENSATION" FOR
26 MY PAIN AND SUFFERING AND MY MENTAL AND EMOTIONAL DIST-
27 RESS. "DISMISSAL FROM DUTIES".

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4 I declare under penalty of perjury that the foregoing is true and correct.

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6 Signed this AUG. day of FRIDAY, 2007

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9 (Plaintiff's signature)

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1. VIOLATION OF EIGHTH AMENDMENT "CRUEL AND UNUSUAL PUNISHMNT."
2. VIOLATION OF FIFTH & FOURTEENTH AMENDMENT
DUE PROCESS VIOLATION..
3. SINCE NOT CONVICTED & CONVICTED ON DIFFERENT ACCOUNT.
4. PAY FOR PHYSICAL INJURY / PAIN & SUFFERING.
5. "PUNITIVE DAMAGES" HIS ACTS OF KICKING & HITTING ON ME
6. WITH FLASH LIGHT, MOTIVATED BY EVIL MIND & INTENT.
7. VERY RECKLESS & CALLOUS INDIFFERENCE TO MY RIGHTS CRIM.
8. & EXCESSIVE FORCE.
9. CAN SHOW SUCH RIGHT OF SUPERVISORS DISREGARD TO MY
10. PERSONAL SAFETY. IM "SURE" SHE HAS PRIORS.
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